IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 25518 of 2000

Between:

B.Satya Samudrudu, S/o.late Demudu,

R/o.Visakhapatnam.

..... PETITIONER

AND

1.State of Andhra Pradesh rep.by its

Secretary to Government, Education Dept.,

Secretariat Buildings, Saifabad, Hyderabad-500 022.

2.The Director of School Education,

Govt. of Andhra Pradesh, Saifabad, Hyderabad.

3.The District Educational Officer,

Visakhapatnam, Visakhapatnam Dist.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus (i) by declaring the action of the respondents in not releasing the grant-in-aid for the period from 1-3-1988 to 31-10-1989 as arbitrary, illegal, unjust and discriminatory; (ii) and consequently direct the respondents to forthwith release the payments due to the petitioner from 1-3-1988 to 31-10-1989 towards arrears of the

grant-in-aid.

Counsel for the Petitioner: Mr.NUTY RAM MOHAN RAO

Counsel for the Respondents : GOVT.PLEADER FOR SCHOOL EDUCATION.

The Court made the following :

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ORAL ORDER:

Learned counsel appearing for the petitioner as well as the learned Govt. Pleader for School Education submit that the issue raised in this writ petition is squarely covered by the order of this Court in W.P. No.15879 of 1990, dated 27-7-1993, which was confirmed by a Division Bench in W.A. No.1745 of 1995, against which the State filed Civil Appeal before the Supreme Court. The Apex Court in the case reported in **Government of Andhra Pradesh v. G.V.K. Girls High School** upheld the judgment of the Division Bench of this Court in W.A. No.1745 of 1995 holding that right to arrears of grant-in-aid is conferred by Act No.1/1982 and Act No.22 of 1988 and, therefore, the petitioners therein are entitled for arrears of grant-in-aid.

Following the judgment of the Supreme Court, the writ petition is allowed and the respondents are directed to release the payments due to the petitioner from 1-3-1988 to 31-10-1989 towards arrears of grant-in-aid within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

19th August 2004. **(V.ESWARAIAH, J.)**

ARS

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Nineteenth day of August Two Thousand and Four.

To

1. Secretary to Government, Education Dept.,

State of Andhra Pradesh, Secretariat Buildings,

Saifabad, Hyderabad-500 022.

2.The Director of School Education,

Govt. of Andhra Pradesh, Saifabad, Hyderabad.

3.The District Educational Officer,

Visakhapatnam, Visakhapatnam Dist.

4. Two C.Cs. to Govt. Pleader for School Education, High Court Bldgs.,

Hyderabad (OUT).

5.Two C.D. copies.